

leading blacks and some whites nationwide, Griggs instructed his subordinate, the United States Attorney General's District Attorney for the Eastern District of North Carolina Claude Bernard, to investigate the situation in North Carolina.<sup>16</sup> On December 3, 1898, U. S. Attorney General John Griggs directed Bernard to investigate the reports of murder and the accusations by Robert Bunting of mistreatment and forced removal from Wilmington of a United States commissioner. Griggs informed Bernard that "complaint is made that organized and armed bodies of persons, by violence, intimidation, and threats, deprived certain citizens . . . of rights and privileges guaranteed to them under the Constitution and laws of the United States." Griggs wanted Bernard to find out if Justice Robert Bunting was truly ejected from the city by force and threatened with death if he returned. If so, Griggs saw this treatment as "a most flagrant and high handed violation of the criminal law of the United States" that required "immediate and energetic prosecution."<sup>17</sup>

Bernard replied to Griggs that he had no credible information save newspaper accounts nor had he received complaints from Wilmington citizens. He did, however, request the assistance of Griggs' office in bringing justice to those who violated the

law using "high handed revolutionary methods."<sup>18</sup> In response, Attorney General Griggs and Assistant Attorney General James E. Boyd traveled to Raleigh to provide additional support for Bernard's investigation. But by December 12, Griggs and Boyd had returned to Washington, D. C. without a call for a grand jury.<sup>19</sup> Wilmington whites were pleased to learn that Griggs entrusted the case to his assistant Boyd, a man who 30 years earlier had been arrested for support of the Ku Klux Klan.<sup>20</sup> Possibly bolstered by support from Washington and despite his lack of witnesses, Bernard soon subpoenaed several men and called a grand jury.<sup>21</sup> Men such as George Z. French, Flavel Foster, and Robert Bunting were reportedly asked to give testimony. Despite the work of Bernard to secure testimony that surely implicated many men of Wilmington, the grand jury was discharged on December 17 without hearing from those witnesses.<sup>22</sup>

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<sup>18</sup> B. F. McLean, attorney and U.S. commissioner of justice for the eastern district, had also written to Griggs and others in Washington just after the election to describe intimidation by the Red Shirts and to ask if those men would be liable for prosecution. Bernard to Griggs as quoted in McDuffie, "Politics in Wilmington," 757-8 and found in the papers of the Attorney General's Office, General Records of the Department of Justice, National Archives, Washington, D. C.; McLean to Griggs, November 9, 1898, General Records of the Department of Justice, National Archives, Washington, D. C. as quoted in Prather, *We Have Taken a City*, 153.

<sup>19</sup> *Wilmington Messenger*, December 16, 1898.

<sup>20</sup> *Wilmington Messenger*, December 9, 1898.

<sup>21</sup> Records from the Eastern District Attorney General's Office do not survive to document Bernard's activities. A survey of records from the office located in the Regional Records Center in Atlanta reveals that correspondence records, grand jury records, and dockets from Raleigh have not been preserved. Details of Bernard's Grand Jury investigation can only be found in newspaper sources.

<sup>22</sup> *Wilmington Messenger*, December 20, 23, 1898.

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<sup>16</sup> Griggs evidently took the matter seriously and assisted Congressman George White in his efforts to propose legislation in 1899 and 1900 to make lynching and murder by mob rule treasonable offenses punishable by execution. The major impetus for Griggs' investigation was the experience of federal commissioner Robert Bunting concerning his treatment and banishment by Wilmington leaders. Benjamin Justesen, *George Henry White: An Even Chance in the Race of Life* (Baton Rouge: Louisiana State University Press, 2001), 278-9.

<sup>17</sup> Griggs to Bernard as quoted in McDuffie, "Politics in Wilmington," 556-7 and found in the papers of the Attorney General's Office, General Records of the Department of Justice, National Archives, Washington, D. C.